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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 JAMES A. BATTLE, JR.,)

10 Plaintiff,)

11 v.)

12 TONYA WICK, *et al.*,)

13 Defendants.)

CASE NO. C08-0642-RAJ-JPD

ORDER DENYING DEFENDANTS'
MOTION TO DISMISS AND GRANTING
PLAINTIFF'S MOTION FOR LEAVE
TO AMEND COMPLAINT

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15 The Court, having reviewed plaintiff's civil rights complaint, defendants' motion to dismiss,
16 plaintiff's motions to amend his complaint, the Report and Recommendation of the Honorable James
17 P. Donohue, United States Magistrate Judge, and the remaining record, does hereby find and
18 ORDER:

19 (1) The Court adopts the Report and Recommendation.

20 (2) Defendants' motion to dismiss (Dkt. No. 10) is DENIED.

21 (3) Plaintiff's motion to amend filed on July 21, 2008 (Dkt. No. 15) is GRANTED, and
22 plaintiff's motion to amend filed on July 11, 2008 (Dkt. No. 12) is STRICKEN as
23 moot. The Clerk is directed to file the proposed amended complaint submitted in
24 conjunction with plaintiff's July 21, 2008, motion to amend.

25 ORDER DENYING DEFENDANTS'
26 MOTION TO DISMISS - 1

- 1 (4) Defendants' motion to strike plaintiff's affidavit (Dkt. No. 18) is GRANTED.
- 2 (5) This matter is re-referred to Magistrate Judge Donohue for all further pre-trial
- 3 proceedings.
- 4 (6) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
- 5 defendants, and to the Honorable James P. Donohue.

6 IT IS SO ORDERED.

7 DATED this 28th day of October, 2008.

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The Honorable Richard A. Jones

12 United States District Judge

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